

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,
Plaintiff,

v.

ANNA GATTI, et al.,
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER REGARDING INTERPRETER
SERVICES AT DEPOSITIONS**

At the commencement of today's deposition, counsel for Plaintiff Loop AI Labs Inc. and the Almaxwave Defendants contacted the court regarding the parties' dispute about the use of a certified interpreter for jurisdictional depositions of Italian-speaking witnesses. According to defense counsel, none of the Italian-speaking witnesses scheduled to be deposed during the week of January 19, 2016 are comfortable proceeding in English at their depositions and have requested to have the questions translated into Italian. Plaintiff's counsel concedes that she was on notice of Defendants' request for interpreters for these depositions, but did not retain certified interpreters. (*See also* Dec. 10, 2015 Hr'g Tr. at 44 ("Our witnesses insist on [having a translator present at depositions].").) This is because Plaintiff's counsel does not believe that the deponents require an English language interpreter because each of them filed a declaration in English in this case.

The fact that a witness is able to submit an English language declaration, or communicate at some level in English does not mean that he or she is competent to accurately answer questions in English under oath at a deposition. Plaintiff's counsel's offer to interpret her own questions in Italian is inappropriate, because she is the advocate for the opposing party. Without a certified interpreter present, Plaintiff bears the risk of obtaining testimony that is not fully usable on a motion or at trial, because a witness may attempt to explain deposition responses on the basis that he or she did not understand the question posed in English.

Accordingly, the court orders as follows. The court is aware that the Almawave Defendants retained their own interpreter as a “consultant” for today’s deposition. The interpreter has experience in providing Italian language translation in California courts. That interpreter shall be put under oath to provide accurate translation, and shall translate for the depositions today (January 20, 2016). Plaintiff and the Almawave Defendants shall share the cost of that interpreter (i.e., Plaintiff shall bear 50% of that cost). Going forward, Plaintiff shall provide a certified interpreter for all of the Italian language deponents who are scheduled to be deposed this week, as the Almawave Defendants have put Plaintiff on notice that all require an interpreter. Plaintiff shall pay the full cost of the interpreter(s), but shall reserve the right to seek reimbursement for interpreter costs if it can show that such services were unnecessary.

IT IS SO ORDERED.

Dated: January 20, 2016



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